IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION No.1709/2006

Harishchandra s/o Marotirao Deshbhratar.

- Versus -

State of Maharashtra.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

CORAM : A.P. Lavande, J.
DATE : 28TH June, 2007.

Heard Mr. S.D.Chopde, learned Advocate for the applicant. The applicant challenges the FIR filed against the applicant under Section 279 and 304-A of I.P.C. as well as criminal proceedings in Summary Criminal Case No.1614/05 pending before the 8th Judicial Magistrate, First Class, Amravati.

Mr.Chopde learned Advocate for the applicant states that the substance of accusation has been explained to the applicant by learned J.M.F.C. Mr.Chopde, learned Advocate seeks to amend the application to challenge the substance of accusation against the applicant.

Since the case is being tried by the

Magistrate, the remedy available against the order passed by the Magistrate is to challenge the order before the Sessions Judge.

I am, therefore, not inclined to permit the applicant to amend the application.

Since the substance of accusation has been already explained, I am not inclined to exercise jurisdiction under Section 482 of Cr.P.C. in the present matter.

Hence, the application is dismissed. However, the applicant may avail any legal remedy which is available to him in law.

Interim order granted by this Court stands vacated. The applicant to appear before the Magistrate on 30th July, 2007 at 11.00 a.m.

Judge

VMC